App. I. IX-1

Prior References

1936. (July)

File No. 88-36

Serial Nos.

Letter References

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Eighteen

Part B for May 1938

SUBJECT.

grant of Inam of land
to Sri Sangeri Math
Bijapur District.

WD 0418—GPB—22,500—21 6 38

GENERAL AND REVENUE SECRETARIAT.

( )

NOTES.

File No.

FILE HEADING

FROM

No.	Dated	Received
Diary No.	Enclos. Spare copies	Serial No.

BRIEF ABSTRACT OF LETTER

NOTES AND ORDERS.

This may be sent to Law Section for opinion.

2 Law Sect

Forwarded with Compliments
The Govt Advocate for opinion

25
Laws
2/7

NOTES—First Sheet

WD 0245—GPB—2,500—23-8-32

File No of 193 . General an Secre

Returned with compliments.

L.D.D.25
D/ 13.8

5 The order of the Collector of Dharwar dated 14-2-1933 explains why Nazarana is levied and it proceeds on the basis that one Swami succeeds to another by inheritance just as a son succeeds to his father. With great respect to the Collector, the analogy is very incorrect and inapt. In the case of a Mutt, the property is the property of the Mutt and the succession is to the office of the Matadhipathi or Mohant and not to the property which always belongs to the Mutt. As Matadhipathi or Mohant, he is charged with the duty of efficiently managing the property without possessing any personal rights in it himself and he holds the property solely in trust for the purposes of the Institution. 'A Matt like an idol is, in Hindu Law, a juridical person capable of acquiring, holding, and vindicating legal rights, though of necessity it can only act in relation to those rights through the medium of some human agency' - Mulla's Hindu Law, 1936 Edn. p 478. The reason given by the Collector for levying - Nazarana does not therefore seem to be sound. The rules and orders of the Bombay Government relating to Inams are not in the file. But from the - materials now available - which are however very meagre - the Agent's contentions seem to be sound and the Bombay Government may, I think, be approached for relief as suggested by the Agent.

V. Meagher
Government Advocate.

14 AUG.

CSN/13.8.36 b Mur Sr for further action
MC
14/8

106

Parliament of Nagaraja in Sanskrit
the Sri Bhandi Sastri as the [illegible]

3

eral & Revenue
Secretariat.

File No. of 193 [App. F. III–1

Serial No.

7) Submit for orders with reference to paras 3–5 thereof.

8) Opinion of G.A. may be communicated to the M.C. as per his suggestion in para 3 of the P.R. 18/8

15 AUG. 1936

9) A better course would be to address the Bombay Govt from here through the Residency. But for this a full history of the case appears necessary. This will, if approved, be called for from the Muzrai Commr.

Gen Secy 15/8/36

10) For perusal. Further details will be called for and action taken to address the Residency

Gen Secy 17/8

OFFICE OF THE FIRST MEMBER OF COUNCIL 17 AUG. 1936

Final

11

18/8

Draft dcg 18/8/36

If approved the file will be sent to the M. C unofficially with a view to facilitating him to furnish a full history of the case including the omissions pointed out by the Govt Advocate

Bgl 19/8/36. 14 Forwarded, with compliments, to the Muzrai Commr for kindly furnishing details for addressing the Residency in the matter.

dcg Bharayappa
19/8/36 for Gen. Secy. to Govt

GENERAL REVENUE SECRETARIAT Dis no 8-36 20 AUG. 1936 MUZRAI BRANCH NOTE-Comm-Sheet 1. AUG. 1936 BANGALORE

C 1539/35-36

Payment re Wages and Rents Kuwait Lungar

File No. of 193 6

General and R Secretariat

15 +

A detailed Memo prepared on the basis of all the available information is to be sent.

16 Discuss with colleagues.

Mr Clauson Tarrant
Under Commissioner 16.9.36

12-1-37.

N

M.O. C 1532
35.56

16.9.36

SECRET 16 SEP. 1936

17

Submit with a draft letter to the Residency.

Type as revised.

21/9. 21-9-36.

23/9/36

19

Revised typed draft is submd.

for approval

25/9.5.9.36

Gen Secy)

25/9/36

21/

Please retype and point up

25/9

28/9/36

Typed draft letter is putup

26.9.36.

28/9/36

Secy Gen Secy).

Will a/s Law please see if this draft is all right

28/9/

28 SEP. 1936 690

The Mutawa Secretary Law Section with compliments

30/9/36

44

General and Revenue Secretariat | File No. | of 193 . | [App. F. III—2

Serial No.

25 The draft is, I think, all right. I have added a sentence to the penultimate para.

Asst Secy Mur with Comptr 5/10

May we draft issue

2/11/37.

Gen Secy) For perusal before issue - Ref order from 11 6/10.

First Member)

10/10

Dewan)

10-10-36

2nd.

2/12/37

pol 497

Under Sec's Sir

GENERAL SECT. 5 OCT. 1936

DEV. OCT. 1936 909

TYPING SECTION 13 OCT 1936 GENL & REV. SECTT

NOTE.—Contn. Sheet.

WD 03594—GPB—30,000—18-7 35

Navigation by K.D.R. Reviews

General and Revenue Secretariat

File No. of 1936.

[illegible]

31) It is over four months since this Office letter dated 21.10.1936 had issued to the Residency. Submit for orders if a reminder may not issue in the case

32) A reminder may issue

26/2/37.

33) Submit with a draft reminder

Fair copy to be submitted to S.S. for favour of signature

27/2/37.

27/2/37.

The draft has been slightly modified by the General Secretary and it has issued under his signature today

2/3/37.

Subs. 2/3/37

Pol no 989 of 2.3.37 to the Secretary to the Hon'ble the Resident in Mysore Bangalore

Re: Payment of Nazarana by Sri Kunte Krishnamurthi

General and Revenue Secretariat — File No. — of 193 . — [App. F. III—2

Serial No.

No 889 17-3-37

Letter No C 15 32/35-36 of 15-3-37 from the Mysore Commissioner stating that the Mamlatdar of Bagewadi has been repeatedly asking for payment of Nazarana of 3884-14-6 & requesting early orders in the matter.

The Secretary to the Resident has written to say that reply from the Govt of Bombay has not been received yet. (V. de D. No 884 36-3 P. & D I)

It appears the Mr. will be informed that a reply from the Govt of Bombay in the matter of granting Sri Kunte from the payment of Nazarana has not yet been received & that the receipt of the same may be awaited

(41) Seems to be agreed. 2 17/3/37

(41) for approval

17/3/37 the Govt. of Bombay may be requested not to enforce the demand for the Nazarana pending the disposal of the question by the Govt. of Bombay

17.3.37. (42) the reply from the Govt of Bombay may be awaited, and the Govt of Bombay to be reminded by the Bombay Govt in case the information is not received in a short time

(43) Yes. WW 18/3/37 (Yes received)

GE 18 MAR 19.. 55-4

NOTE—~~Contra Sheet.~~

WD 0417—GPL—30 000—8 9 37

2/3/37

87

File No. 88 of 193 7

Serial No.

44

Dft. Secd
Gsec
18.3.37.

Encl. 2

No. 1280 of 19-3-37 to the Deputy Commissioner intimating that the receipt of a reply from the Government of Bombay may be awaited.

Encl 4
Dft

Letter No E 1532 dated 23.7.37 from the H.C in China

It is requesting Government's views in regard to the issue of Indian Passports on the basis of [illegible]

47/ The H.C has requested views whether Nagarkoil in respect of the Travancore lands in the Arabian sea may be paid under protest.

47/ He has also suggested that the Govt of Bombay may be asked to stay further proceedings in the matter till final orders are passed by that Govt on the question of examining the Bank

of Nargund to Bombay Govt. for final
result in respect of main land rights.

9

General and Revenue Secretariat — File No. — of 193 . — [App. F. III—2

Serial No.

from Darwar of Nargund in respect of the main lands in the two Peshkas of Dharwar and Bijapur

654

48/ Adhoc to the Residency is invited for orders.

27/7 27.7.37.

691 27.7.37

Gen: Dept for appl - [illegible]

First Member)

716 27.7.37

53/ [illegible]

27/7

29 JUL 1937

54/ Adhoc to the N.C. is proposed, as directed by the Govt Secy. in para 52 - Secret

29/7 29.7.37.

Contn. Sheet.

W D 0417—GPP—30,000—S 9 36

10

File No. of 1936. General and Secre

Serial No. 5

115 (1-4) 29.7.37

[illegible]

Sent for orders. Mr Munshi's case has been
the subject of
30-7-37. 30/7/37

Secy [illegible] For perusal -
the local officers of the
Bombay Govt seem to have become
hysterical. The Asst to the Comr (the M.C. abduction
asked me on the 'phone now. This request
from the Manulatkar should be met
I told him to ask the Manulatkar
to defer any steps pending reply
from the Bombay Govt to our request and
if this is absolutely impossible to give him
till he could report the fact to Govt. (this office)

Finance Dept. of Mysore to Bombay Govt by
Lr Kindly send Reply Urgt 11

General and Revenue Secretariat — File No. 88 of 1937 — [App. F. III—2

Serial No.

and get permission to pay under protest
Gnd
30/7/37

DEWAN'S OFFICE
30 JULY 1937
No. 699

Fin'l Member

Sec
30/7
Gnd
31/7

3-8-37

5 & Draft reply to the H.C is finalised
30/7 31.7.37. No reply is necessary
further repn. if any from the Govt: bom- as a result of action taken on telephonic instructions to the Sec to H.C. given by the Secretary may be awaited

Sec to H
31/7

From the Secy. to the Hon. the Resident-
No. Fy. 1131-37 dated 5.11.37.
R.6.I.
Forwards copy of letter No. 5227 Fy. 33
dated 20th Oct. 1937 from the Govt. of
Bombay - stating that they are unable to
comply with the request of the Mysore

NOTE—Contn. Shee

WD 0417—GPB—30,000—8 9 36

Exempting Sri Kudli Srungeri
12 — Matt from payment of Nazarana
on its inam lands.

Secy. File No. 88	of 1936.37	General and Secretariat

Serial No.

Govt. to exempt Sri Kudli Srungeri Matt from payment of Nazrana.

Order of the General Secy. on the paper under disposal:—

"For perusal.

"This will be communicated to the M.C. The amount claimed may in the circumstances be perhaps paid pending further examination of the case and the M.C. asked to report if there is ground for asking the Bombay Govt. for a re-consideration of the decision.

(Sd). M.V. 6.11.37.

First Member)

(2nd). S.P.R. 9.11.37, submitted with a draft.

12.11.37

7

Payment of Nazarana on the inam lands in Dharwar and Bijapur Dts. belonging to Sri Kudli Sringeri matt.

General and Revenue Secretariat — Mzg File No. 88 of 1936 — [Ann F III—2

Serial No.	
8	From the Mugrai Comr. No. C. 1532-35-6 dated 12.4.38. states that the first instalment of the current Nazarana due by the Sri Kudli Sringeri Matt was paid on 13th Decr. 1937 and that as regards the question of requesting the Bombay Govt. to re-consider their order on the subject there is no adequate basis for such doing so.
	64. Submitted for orders with reference to the General Secretary's order contained in para 61 of the notes.
88/25.4.38.	65. As opined by Hon M.C. there seems to be no good in pursuing the matter further and may therefore be closed.

65 Sec'y 28/4/38

Sec'y 28/4/38

Hon'ble Member 67 29/4/38

25 APR. 1938 Regd

OFFICE OF THE FIRST MEMBER OF CO APR 27 1938 No.

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13 8 37

B 10/5/38

File No. of 193 .

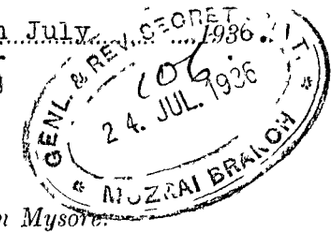
General and Secretariat

No. C....1532/35-36.

Enc. file

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE,

Bangalore,...17th July.....1936.

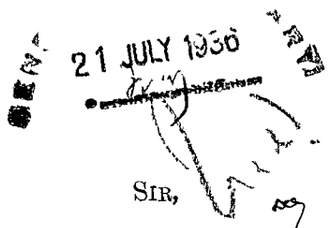


FROM

K. V. ANANTARAMAN, ESQ., B.A.,
Muzrai Commissioner in Mysore.

To

...M. Venkatesa Iyengar Esqr., M.A.,
Secretary to the Government of His Highness
the Maharaja of Mysore,
.....G...e...n...e...r...a...l.....*Department.*



SIR,

Payment of Nazarana in respect of inams owned by the Sri La Sringeri Matha in Dharwar and Bijapur Districts.

I have the honour to state that the Sri Mutt Sringeri Matha owns inam lands in Dharwar and Bijapur Districts and on the occassion of each succession to the peeta Nazarana in the shape of Cash Payment as noted in the margin has to be paid to the Government of Bombay. In connection with the recent succession of Sri Sachidananda Sankara Bharati swamigalu to the peeta, the Government agent recommended that the Government of Bombay may be moved to exempt the payment of the Nazarana on this occassion at least having regard to the fact that within a short period of less than four years the nazarana had to be paid twice and that it was a heavy burden on the slender resources of the Institution.

Dharwar District Rs.	2745-13-0
Bijapur " "	1166-14-6.

2. The Government Agent was instructed to examine the provision of any General or local law under which Nazarana was being levied and submit a report. The Government agent has submitted the accompanying report dated 8th July 1936 discussing the law on the point and suggesting a reference being made to the Commissioner Southern Division and thereafter to the Collectors of Dharwar and Bijapur Districts enquiring whether Nazarana is being levied in spite of section 4, clause c of the Bombay Act II of 1863

2

3. Preliminary to the adoption of the course
ment agent, I request you to kindly have the point examined
section and favour me with instructions in the matter.

I have the honor to be,

Sir,

Your most obedient servant,

F. Chaubal

Muzrai Commissioner.

Note regarding levy of Succession Nazarana on the Estates of the Sri Kudli Sringeri Mutt (locally called Uddughatti Mutt) by the Government of Bombay. 5

When the late Sri Vidyabhinava Valukeswara Bharathi Swami succeeded to the headship of the Sri Kudli Sringeri Mutt in November 1932, the Collector of Dharwar, in his order No.WTN. NS.241 dated 14-2-1933, directed the levy of a Succession Nazarana of Rs.2,745-13-0 in respect of the Devasthan Inams (analogous to our Devadaya Inams) owned by the Mutt in the Dharwar District and the Collector of Bijapur directed in his order No.2230 (B.G.) dated 14-7-1933 the levy of Rs.1,166-14-6 in respect of Devasthan Inams owned by the Mutt in Bijapur District. The amount was ordered to be paid in four annual instalments in both cases. The first instalment in respect of Dharwar District fell due in 1932-33 and so all the four instalments have been paid by the end of 1935-36. In the case of Bijapur District, only three instalments have been paid, as the first instalment fell due in 1933-34 and the last instalment has to be paid this year by about April 1937. Copies of the orders of both the Collectors and other correspondence relating thereto, that could be traced in the Mutt records are put up for reference.

2. Sri Vidyabhinava Valukeswara Bharathi Swami died on 10-4-1936 after a headship of 3 years and 6 months and the present Swami, Sri Sachidananda Sankar Bharathi succeeded to the headship of the Mutt on 24-4-1936. Following the prevalent procedure, Nazarana as above has to be paid again in respect of Devasthan Inams belonging to the Mutt in Dharwar and Bijapur Districts. The Mamlatdar, Ranibennur Taluk, has recently intimated me in his WTN. NS. dated 16-8-1936 (copy enclosed) that the Collector of Dharwar has ordered in his No.WTN. NS.564 dated 8-8-1936 that a Nazarana of Rs 2,745-13-0 equal to one year's assessment should be recovered from the Uddughatti Mutt (the Kudli Sringeri Mutt is locally called by this name) for the succession of Sri Sachidananda Sankar Bharathi Swami in 4 annual instalments commencing from the year 1936-37. Similar orders are likely to issue from the Bijapur Collectorate also in due course.

3. The Succession Nazarana is stated to be levied under the authority of G.R.R.D.No.4624 dated 28-8-1874. Copy of it is placed in the file. Two Acts of Bombay Government No.XI of 1852 and II of 1863 are mentioned in this G.R. The former Act relates to the adjudication of titles to certain estates claimed to be wholly or partially rent-free in the -----

Presidency of Pombay, Section 7, Schedule B of this Act mentions that all lands held for the support of mosques, temples or similar institutions, of the permanent character of which there can be no doubt, are to be continued permanently, even though the permanent continuance may not have been expressly provided for when they were granted. In this Act, no mention of the payment of Nazarana is made. In Act II of 1863, Sections 2 to 5 indicate by whom and under what circumstances annual or Succession Nazarana has to be paid. It is under Section 5(a) apparently that Succession Nazarana is being levied from the Mutt, as each Swami succeeds to the headship on the death of the previous holder of office. But, in Section 8 of this Act vide Clause (3), it is stated "It is however hereby declared that lands held on behalf of religious and charitable Institutions wholly or partially exempt from payment of land revenue shall not be transferrable from such institutions either by assignment, sale (whether such sale be judicial, public or private) gift, demise or otherwise howsoever and no Nazarana shall be leviable on account of such lands." The Mutt is a religious institution and its Devasthan Inams are permanent and inalienable. The Mathadhipathi is only the manager of this religious institution for the time being. Levy of Succession Nazarana in this case in view of the provisions specified above appears to be not proper. It is on this consideration a report was submitted for recommending exemption of this Mutt from payment of Nazarana.

5. If the Bombay Government should decide that the Mutt is liable to pay Succession Nazarana, it is submitted that in view of the present economic depression and slender financial condition of the Mutt, a special recommendation may be made for exempting payment of Nazarana at least on this occasion. G.R.R.D.No.4634 dated 28-8-1874 quoted above seems to contain scope for levy or remission of Nazarana on succession in any individual case.

- Sd.- H. S. Sampangiramiah,

Government Agent,
Sri Kudli Sringeri Mutt.

5-9-1936.

"COPY"

M. N. Anandaram

For Muzrai Commissioner.

hm

Letter No.WTN.NS. dated 16-8-36 from the Tamladar of Ranibennur Taluk to the Government Agent of Sri Kudli Sringeri Mutt, Bangalore.

I have the honor to inform you that the Collector of Dharwar has ...red in his No.WTN.NS.564 dated 8-8-36 that a Nazarana of Rs.2,745-13- equal to one year's assessment should be levied from the Kudlagabbi Mutt for the succession of Sri Sachidananda Sankar Bharathi Swami in place of the deceased Swami. He has ordered it to be recovered in four annual instalments from the year 1936-37.

I, therefore, request you to please arrange to re credit the amount

		of instalments noted in the margin by the
Rs. 687-13-0	1936-37	end of April each year.
" 686- 0-0	1937-38	
" 686- 0-0	1938-39	
" 686- 0-0	1939-40	
Rs. 2745-13-0		

"C O P Y"

M. N Ramachandra

Asstt. Commissioner.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. Pol. 497/Misc 3 88-36-2

Dated, Bangalore, 19th October *193* 21 st

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Secretary to the Hon'ble the Resident in Mysore.

Sir,

SUBJECT:- Levy of Nazarana in respect of inams owned by the Sri Kudli Sringeri Mutt, in Dharwar and Bijapur Districts.

Sir,

I am directed to state that the Sri Kudli Sringeri Mutt in the Mysore State which is now under Government management owns inam lands in Dharwar and Bijapur Districts. On the occasion of each succession to the headship of the Mutt in the past, Nazarana in the shape of cash payment as noted in the margin seems to have been levied by the Collectors of those Districts, one such succession took place in November 1932 when His Holiness Sri Vidyabhinava Valukeswara Bharathi Swami (since deceased) succeeded to the peeta of the Mutt. On the occasion both the Collectors directed the levy of Succession Nazarana as above and ordered the amounts to be paid in four annual instalments in each case (vide copies of orders enclosed). The Mutt was not then under the management of this Government and the full demand in the Dharwar District and three out of four instalments in respect of the demand in the Bijapur District seem to have been paid. The Mutt has since come under the management of this Government and there has been another succession to the peeta on account of the demise on 10th April 1936 of the Swami who came to the Peeta in 1932. The Mamlatdar of Ranibennur Taluk has recently intimated the Agent of the Mutt acting on behalf of His Highness' Government that the Collector of Dharwar has ordered the recovery of Nazarana of Rs.2,745-13-0 on

Dharwar District .. Rs.2,745-13-0
Bijapur District .. " 1,166-14-6

account of the present succession in four annual instalments commencing from the year 1936-37. Similar orders may issue also from the Bijapur Collectorate in due course.

His Highness' Government who are managing the property for the Head of the Mutt feel that succession in the Mutt can give no occasion for the levy of any Nazarana. The levy is said to have been based on the authority of an order of the Bombay Government dated 28th August 1874 (vide copy enclosed). Two Acts of the Bombay Government are mentioned in this order, namely, Act No.XI of 1852 and Act No.II of 1863. In the first of these, no mention is made of the levy of Nazarana in the case of estates held wholly or partially rent-free for the support of mosques, temples or similar institutions of a permanent character; in the second Act Clause 3 of Section 8 lays down that "lands held on behalf of religious and charitable institutions wholly or partially exempt from payment of land revenue shall not be transferable from such institutions either by assignment, sale (whether such sale be judicial, public or private) gift, demise or otherwise howsoever and no Nazarana shall be leviable on account of such lands". The present case is one of this kind.

Moreover, succession in the case of a Mutt is to the office of the Mathadhipathi or Mahant and not to the property. The property itself always belongs to the Mutt. As Mathadhipathi or Mahant, the head of the institution has the duty of managing the property but possesses no personal rights in it himself. This succession is therefore not in any way analogous to the succession by inheritance as in the case of a son succeeding to his father's estate.

In these circumstances, I am to request that the Government of Bombay may kindly be moved to declare the Mutt exempt from payment of the succession Nazarana both in the present case and as a permanent measure.

I have the honor to be,
Sir,
Your most obedient servant,

General Secretary to Government.

S.R.2

Pol.497 / Mug 88-36-2
Enc 3.

To

The Secretary to the Hon'ble the
Resident in Mysore.

~~8-21-8~~

Sir,

Subject:- Levy of Nazarana in respect of inams owned by the Sri Kudli Sringeri Mutt, in Dharwar and Bijapur Districts.

I am directed to state that the Sri Kudli Sringeri Mutt in the Mysore State which is now under Government management owns inam lands in Dharwar and Bijapur Districts. On the occasion of each succession to the headship of the Mutt in the past, Nazarana in the shape of cash payment as noted in the margin seems to have been levied by the Collectors of those districts. One such succession took place in November 1932 when His Holiness Sri Vidyabhinava Valukeswara Bharathi Swami (since deceased) succeeded to the peeta of the Mutt. On that occasion both the Collectors directed the levy of Succession Nazarana as above and ordered the amounts to be paid in four annual instalments in each case (vide copies of orders enclosed). The Mutt was not then under the management of this Govt. and the full demand in the Dharwar District and three out of four instalments in respect of the demand in the Bijapur District seem to have been paid. The Mutt has since come under the management of this Govt. and there has been another succession to the peeta on account of the demise on 10-4-36

arwar Dist. Rs.2745/13
japur Dist. Rs.1166/14/6

of the Swami who came to the peeta in 1932. The Mamlatdar of Ranibennur Taluk has recently intimated the Agent of the Mutt acting on behalf of His Highness' Government that the Collector of Dharwar has ordered the recovery of Nazarana of Rs.2,745-13-0 on account of the present succession in four annual instalments commencing from the year 1936-37. Similar orders may issue also from the Bijapur Collectorate in due course.

His Highness' Government who are managing the property for the Head of the Mutt feel that succession in the Mutt can give no occasion for the levy of any Nazarana. The levy is said to have been based on the authority of an order of the Bombay Govt. dated 28th August 1874 (vide copy enclosed). Two Acts of the Bombay Govt. are mentioned in this order, namely, Act No.XI of 1852 and Act No.II of 1863. In the first of these, no mention is made of the levy of Nazarana in the case of estates held wholly or partially rent-free for the support of mosques, temples or similar institutions of a permanent character; in the second Act Clause 3 of Sec. 8 lays down that "lands held on behalf of religious and charitable institutions wholly or partially exempt from payment of land revenue shall not be transferable from such institutions either by assignment, sale (whether such sale be judicial, public or private) gift, demise or otherwise howsoever and no Nazarana shall be leviable on account of such lands". The

The present case is one of this kind.

Moreover, Succession in the case of a Mutt is to the office of the Mathadhipathi or Mahant and not to the property. The property itself always belongs to the Mutt. As Mathadhipathi or Mahant, the head of the institution has the duty of managing the property but possesses no personal rights in it himself.

This succession is therefore not in any way analogous to the succession by inheritance as in the case of a son succeeding to his father's estate

In these circumstances, I am to request that the Government of Bombay may kindly be moved to declare the Mutt exempt from payment of the succession Nazarana both in the present case and as a permanent measure.

I have etc.,

28/9

28/9/- General Secretary to Govt.

28/9

IMMEDIATE.

Appr. B.R.

C18.] No. C 1532 Enc-are.

35-36

GENL. & REV. SECRETARIAT 97. 27 JUL. 1937 B.

GENL. SECRETARY. 23 JUL 1937

From

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Bangalore,.... 23rd...July..... ....1937.

Muzg 88-36-3.

K. V. ANANTARAMAN, Esq., B.A.,
Muzrai Commissioner in Mysore.

To

M....Venkatesa...Iyengar,...Esq.,...B.A.,
Secretary to the Government of His Highness
the Maharaja of Mysore,
.....General..... *Department.*

Received in the Muzrai Branch 24-7-37 after P.M.

SIR,

Payment of Nazarana in respect of Inams owned by the Sri Kudli Sringeri Mutt in Dharwar and Bijapur Districts.

K.

With reference to the correspondence ending with your letter No. 1290/Muz.88-36 dated 19-3-1937 intimating that the Hon'ble the Resident in Mysore has been requested to move the Government of Bombay to exempt the Mutt from payment of Nazarana and that the receipt of a reply from the Government of Bombay is awaited, I have the honor to state that the Tamlatdar of Ranebennur wired to me on the 21st instant demanding payment of Nazarana to which I sent a reply saying that necessary action will be taken on receipt of a reply from the Government of Bombay. I received another telegram on the 22nd instant from Mr. B. Ramaswamaiya, Government Agent of the Mutt, who is touring in Dharwar District, stating that the Collecter is pressing for immediate payment of Nazarana. A copy of the report submitted by the Government Agent who has returned to Headquarters to-day, is also enclosed for information of Government. I am not sure if non-payment of Nazarana will lead to any further complication. I, therefore, solicit orders of Government if Nazarana may be paid under protest. Another suggestion that I may place before Government for their consideration is, that the Hon'ble the Resident in Mysore may be moved to address the Government of Bombay to kindly issue instructions to the Collectors of Dharwar and Bijapur Districts to stay further proceedings till final orders are passed on the question of exempting

the Mutt from payment of Nazarana. I request the favour of orders.

I have the honor to be,

Sir,

Your most obedient servant,

Muzrai Commissioner.

No:67/37-38.

R E P O R T.

Submitted to the Muzrai Commissioner in Mysore, for orders.

The Kulkarni of Udghatti, Ranebennur Taluk, came to me at Dharwa yesterday morning and stated that the Hamlatdar was pressing for the payment immediately of the Nazarana, as the official year was drawing to a close, and he had not received any orders from Government allowing exemption or postponement. He also stated that the matter being very urgent, might be attended to without any delay.

I consulted the Sarvadhikari at Dharwar, and he suggested that the Collector might be interviewed and orders obtained, at least, granting some time, so that the Government might be moved for early orders. I, accordingly, interviewed the Collector, Dharwar District, yesterday; and although I represented to him that the matter was under correspondence with the Government of Bombay, and used my best attempts to persuade him to grant an interim order allowing a month's time, at least, he definitely said he could not do it, specially, as the year was closing and he had not received any orders from the Bombay Government, authorising him, either to exempt or grant time for the payment of Nazarana. He also gave me a note of warning that unless the amount was paid or orders of the Bombay Government as obtained before the end of July 1937, the question might become complicated, and asked me to return to Headquarters immediately and do the needful

Nazaranna has also to be paid in the Bijapur District, and the file has been submitted separately for orders. Both these matters ar u r g e n t.

- Sd.- B. Ramaswamaiya,

Mysore Government Agent,
Sri Kudli Sringeri Mutt,
Muzrai Commissioner's Office,
B A N G A L O R E.

23-7-1937.

"COPY"

M. N. Ananthan.

For Muzrai Commissioner.

ix F G—1]

14

To.....

.....

.....

Section Mvg

File No. 88-36

Serial No. 4

y No. of letter replied to .. ..

No. Ld 158

To

The Secy to the Resident

Ld,

General and Revenue Secretariat

( )

the *193* .

Subject Payment of Nazarana in respect of Inam lands Granted by the Late Tipu Sultan Sirsi Mutt in Dharwar and Bijapur Districts.

Date of issue 28. F. 37

Signed by Mr M. V.

I am directed to invite reference to Correspondence ending with your Office Memo No F 1328-36/R.O.I dated 8.6.1937 on the above Subject and to state that the Mamlatdar of Ranebennur (Dharwar District), is reported to have visited the M.C in Bangalore, Bangalore on the 21st inst demanding Nazarana of Rs in respect of the Inam lands of the said Mutt

B

List of enclosures .....

Copied by .....

Examined by .....

WD 71—GBPM—40,000—20-7-31

M.C sent a reply ~~thereto~~ to that effect stating that necessary action would be taken on receipt of a reply from the Govt of Bombay. It is further reported that the Collector of the Dharwar ~~Dt~~ warned ~~the~~ the Mysore Govt Agent, who was touring in the district, ~~a note of~~ ~~warning~~ that unless the amount was paid as orders of the Bombay Govt were obtained before the end of July 1917, the question might become complicated. His Highness' Govt are not aware if non-payment of Nargarwar hill land to any further complication. ~~I am therefore~~ and I am therefore to request that ~~that~~ the Hon'ble the Resident ~~may be~~ ~~kindly~~ move ~~good enough~~ to move the Govt of Bombay to ~~kindly~~ issue instructions to the Collector of the Dharwar and Bijapur districts to stay further proceedings till final orders are passed by that Govt on the ~~question of~~ request made by this Govt that

(3)

16

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

~~exempting~~ the Lt Kodli Singeri Kuttappa be exempted from pasture Vo Nanjarao

Thanks

Vo 27/7/37

Vo 27/7/37 Govt Secretary 27/7

Ref 158

28th July 1937.

M. Venkatesa Iyengar, Esquire, M.A.,
General Department.

Subject - Payment of Nazarana in respect of inam lands owned by the 1 Kudli Sringeri Mutt in Dharwar and Bijapur Districts.

I am directed to invite reference to correspondence ending with your office Memo No. F. 1328-36/R.O.I dated the 6th April 1937 on the above subject and to state that the Namlatdar of Ranebennur, Dharwar District, is reported to have wired to the Muzrai Commissioner in Mysore, Bangalore, on the 21st instant demanding payment of Nazarana in respect of the inam lands of the Mutt situated in the Dharwar District, and that the Muzrai Commissioner sent a reply to that office stating that necessary action would be taken on receipt of a reply from the Government of Bombay. It is further reported that the Collector of the Dharwar District warned the Mysore Government Agent of the Mutt who was touring in the District, that unless the amount was paid or orders of the Bombay Government were obtained before the end of July 1937, the question might become complicated.. His Highness' Government are not aware if non-payment of Nazarana will lead to any complication and I am to request that the Hon'ble the Resident may be good enough to move the Government of Bombay to issue instructions to the Collectors of Dharwar and Bijapur Districts to stay further proceedings till final orders are passed by that Government on the request made by this Government that the

the Sri Kudli Sringeri Mutt be exempted from payment of Nazarana.

I have the honor to be,
S i r ,
Your most obedient servant,

M: Venkatesabyengar

General Secretary to Government.

P.H.

55

Appendix F G—1]

SUBJECT .....

....

....

Section Mecg

File No. 88-36

Serial No. 5

Diary No. of letter replied to .....

No. 115

To The M.C in Mysore

Sir

With reference to correspondence ending with your letter No C 1532/35 dated 23.7.1937 regarding exemption to Sri Kadli Linga mutt from payment of Nazrana in respect of the inam lands owned by the Mutt in Dharwar and Bijapur districts, I am directed to state that the Residency has been addressed to invite the Govt of Bombay to issue instructions to the Collectors of Dharwar and Bijapur districts to stay further proceedings till final orders are passed by that Govt on the request made by the

General and Revenue Secretariat

( )

the 193 .

Date of issue 22-7-37

for SK Venkataramana

signed by .....

List of enclosures .....

Copied by .....

Examined by .....

Gowt.

Must may be exempted from

payment of Mayavaram.

Thanks

28/7

for Genl Secy

29/7

GO OF HIS HIG

General and Revenue ecreta

No. 115 Muz 88-36-5

Dated, Bangalore, 29th July 1937.

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Muzrai Commissioner in Mysore,

Bangalore.

Sir,

With reference to correspondence ending with your letter No. .1532/35-36 dated 23rd July 1937 regarding exempting the Sri Kudli ringeri Mutt from payment of Nazarana in respect of the inam lands wned by the Mutt in Dharwar and Bijapur Districts, I am directed to tate that the Residency has been addressed to move the Government of ombay to issue instructions to the Collectors of Dharwar and Bijapur stricts to stay further proceedings till final orders are passed by hat Government on the request made by the Government that the Sri Kudli ringeri Mutt may be exempted from payment of Nazarana.

I have the honour to be,

Sir,

Your most obedient servant,

for General Secretary to Government.

GENL & REV. SECRETARIAT
29 JUL 1937
MYSORE

No. C 1532 Re. ale
35-36

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE,

Bangalore, 29th July *1937.*

GENERAL SECRETARY
29 JULY 1937

FROM

K. V. ANANTARAMAN, ESQ., B.A.,
Muzrai Commissioner in Mysore

To

M. Venkatesa Iyengar, Esq., M.A.,
Secretary to the Government of His Highness the Maharaja of Mysore,
General *Department.*

SIR,

Payment of Nazarana in respect of Inams owned by the Sri Kudli Sringeri Mutt in Dharwar and Bijapur Districts.

In continuation of this office letter No.C.1532/35-36 dated the 23rd July 1937 soliciting early orders of Government re. the above, I have the honor to forward herewith copy of letter No.WTN.462 of 1937 dated the 23rd July 1937 from the Mamlatdar of Ranebennur, stating that the non-recovery of Nazarana amount before the end of the Revenue Year would be considered as a serious default, that as the management is done by responsible Government Officers, he cannot take any coercive measures unless compelled to do so, that the Treasury at Ranebennur would be closed for the year, on 24th July 1937, that if the amount is not sent before the 30th July 1937, he would send the same to the Dharwar Treasury for credit; and requesting that the amount may be sent before the close of the year. He states, further, that in case the Bombay Government concedes to our request for exemption from payment, the amount now to be credited would be refunded.

I solicit the favour of i m m e d i a t e orders in the matter.

I have the honor to be,
Sir,
Your most obedient servant,
M. N. Bandalwar
Assistant Commissioner
For Muzrai Commissioner.
(Absent from headquarters)

Letter No. WTN/462 of 1937 dated 23-6-37 from the Mamlatdar of Ranebennur to the Muzrai Commissioner in Mysore.

23

With reference to your No. dated , I hav the honor to state as unders-

I intimated to you twice to pay the amount of Nazarana in April last, as you intimated to me that a reference was made to the Government of Bombay I had to wait for some time. I have not received any reference from the Government of Bombay nor have I received any stay order for the recovery. As I could not wait any further, I issued orders to the Village Officers of Udgatti and Ravtankatti to recover the amount. They reported that the dues have been recovered by the Mokhtyar. I then personally went to the inam villages to recover the amount. I found none of the officers on your behalf were present at the village. I sent the Patel of Ravtankatti to your office to explain the facts and recover the amount. It was with no effect. I then sent the Kulkarni of Udgatti to seek the Government Agent. The Government Agent now intimates that he saw the Collector of Dharwar in this connection and assures that will see to it. He has not stated anything about the payment of Nazarana before the end of the Revenue Year. His letter was received by me to-day. As the management is done by the responsible Government Officers, I cannot take any coercive measures unless I am compelled to do so.

If the amount is not recovered before the end of the Revenue year, it is considered as a serious default. The Revenue year ends on 31st July 1937 but the year is closed at the Taluka on 24-7-37, as the Sub Treasury is closed on that day according to the Treasury Rules. If the amount is not received before 24th and is received between 25th and 31st July, I will have to send the amount to Dharwar Huzur Treasury for credit which is closed on 31st July for the year.

I am anxious to see that the amount is received as early as possible and I hope you will not fail to credit the amount in time before the end of the year. If you send the amount to me between 24th and 30th July, I shall arrange to send the amount to Dharwar Treasury for credit. If the Government of Bombay concede to your request , you will get the refund of the amount now credited. There is no objection to pay the amount without waiting for final orders in the matter.

"COPY"

M. N. Ananthanarayana.

For Muzrai Commissioner.

Pol 175-8

No. F.1131-37 . Encl. 1.
R.O. I

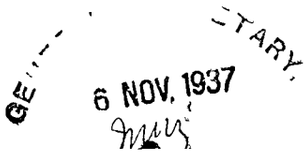
FROM

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

To Mez e

The General Secretary to the Government of
His Highness the Maharaja of Mysore.

Dated Bangalore, 5th November *193 7.*



Levy of a penalty on Inamdars of Sri Kudli Sringeri Mutt, in Dharwar and Bijapur Districts.

SIR,

I am directed to refer to the correspondence ending with your letter, No.Pol.158/Muz.33-36-4, dated the 30th July 1937, and to forward a copy of letter from the Government of Bombay, No.5287-P/33, dated the 20th October 1937.

For perusal.
This will be communicated to the Mc. The amount claimed may in the circs be perhaps be paid pending further examination of the case and the Mc asked to report if there is ground for asking the Bombay govt for a reconsideration of the decision.
Mc
6/11/37

First Member

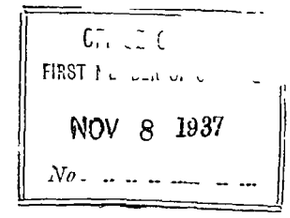
I have the honour to be,

Sir,

Your most obedient servant,

for SECRETARY TO THE RESIDENT.

MP



MP 9/11

9/11

Letter from the Secretary to the Government of Bombay Revenue Department; No.5237-F/33, dated the 20th October 1937.

- - - - -

Inam lands : Bijapur and Dharwar.
Shri Kudli Shringeri Math. Exemption from levy of nazarana on --- of,

- - -

I am directed to invite reference to the correspondence ending with your letter No.F1131-37-Enc.1/R.O.I, dated the 31st July 1937, on the above subject and to state as follows. The Mysore Government asks that the inam lands of the Shri Kudli Shringeri Math in the Dharwar and Bijapur districts may be exempted from payment of nazarana on the following grounds:-

(1)The lands being held on behalf of a religious and charitable institution, wholly or partially exempt from payment of land revenue, and not being transferable from the institution, no nazarana is leviable under section 8(3) of Bombay Act, II of 1863.

(2)The lands vest in the Math and the head of the institution posssesses no personal rights in them. Succession to the lands is not therefore analogous to succession by inheritance from father to son and a nazarana should not be levied in respect of such succession.

The Government of Bombay considers that the grounds on which exemption from nazarana is sought contain material misconception as to the terms on which these inams were granted. The records of this Government show that some of the inam lands in question were adjudicated before the passing of Act XI of 1852 and others after 1852 but before 1863, None of them was settled under the summary settlement Act, II of 1863. They have been continued permanently

to ...

to Shankarbha and his successors on two conditions one of which is the lands should be subject to whatever orders regarding levy or remission of nazarana Government might pass on succession. The inam grants in question have thus been made in favour of an individual and not in favour of an institution and are not purely temple holdings but contain a personal element and have been specifically made subject to the payment of nazarana. For these reasons this Government decided as far back as 1874 that the lands were not covered by section 8(3) of Bombay Act II of 1863 and were subject to the payment of nazarana. The Government of Bombay considers that the decision reached in 1874 was correct In these circumstances, I am to state that the Government of Bombay is unable to accede to the request of the Mysore Government that the lands should be exempted from payment of nazarana. I am to request that the Mysore Government may be informed accordingly and may be asked to make payment of the arrears of nazarana which have been withheld as early as possible.

- - - - - -

" C O P Y "

SUPERINTENDENT, RESIDENT'S OFFICE.

TVD.

G—1]

ECT .....

Section Inam.

File No. 88-36

Serial No. 7

Diary No. of letter replied to 621

No. 736 Encl 14 file

To the Inamdar Comr

General and Revenue Secretariat

( )

the 193 .

Sir,

Payment of Nazarana in respect of inam lands of Sri Sandli Sringeri Matt in Dharwar and Bijapur districts.

Date of issue 16/11/37

Signed by K. S. Venkatarama Ayr

With reference to correspondence ending with your letter No. C. 1532/34-36 dated 29th July 1937 on the subject referred to above, I am directed to forward herewith a copy of letter No. Y. 5137/R. 9. 33 dated 20th Oct. 1937 from the Govt. of Bombay stating that they are unable to comply with the request of the Mysore Govt. to exempt Sri Sandli Sringeri Matt

List of enclosures.....

Copied by.....

Examined by.....

WD 0253—GPB—15,000—26-8-32

payment of Nayarana on its inam lands referred to above. ~~I have to inform you & h &~~ ~~to request~~ that the amount claimed may be paid pending further examination of the case, I am further ~~to report~~ request you to report to Govt. if there is any ground for requesting the Bombay Govt. to re-consider their decision.

I have etc.,

Ver 16.11.37

Secy. to Govt.,
Gen. Dept.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. 736 Muz 88-36-7 Encl 1 file

Bangalore, Dated, 13th November 1937.

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Muzrai Commissioner in Mysore,
Bangalore.

Sir,

Subject:- Payment of nazarana in respect of inam lands of Sri Kudli Sringeri Mutt in Dh nd Bijapur Districts.

With reference to correspondence ending with your letter No. C. 1532/35-36, dated 29th July 1937 on the subject referred to above, I am directed to forward herewith a copy of letter No.5237-F/33, dated 20th October 1937 from the Government of Bombay stating that they are unable to comply with the request of the Mysore Government to exempt Sri Kudli Sringeri Mutt from payment of nazarana on its inam lands referred to above and to state that the amount claimed may be paid pending further examination of the case. I am further to request you to report to Government if there is any ground for asking the Bombay Government to reconsider their decision.

I have the honor to be,
Sir,
Your most obedient servant,

for General Secretary to Government.

TRM.2

C.918] No. C1532/35-6
Encl 1.

GEN. 1186. 22 APR. 1938 MUZRAI BR.

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Bangalore, ...12th April.....1938.

FROM

K. V. ANANTARAMAN, ESQ., B.A.,
Muzrai Commissioner in Mysore.

To

K. Venkatesa Iyengar, sq., .A.,
Secretary to the Government of His Highness the Maharaja of Mysore,
.....General.....*Department.*

SIR, GENERAL SECRETARIAT 16 APR. 1938

Payment of Nazarana in respect of Inam lands of Sri Kudli Sringeri Mutt in Dharwar and Bijapur Districts.

—

With reference to your letter No.736/Muz.cd-35-7 dated 16-11-1937 re. the above,, I have the honor to state that a sum of Rs.901-11-0 being the first instalment of the current nazarana, has been paid into the State Huzur Treasury on 13-12-1937 and the Comptroller to Government has arranged payments (Rs.667-15-0 to the Amildar, Ranibennur Taluk, and Rs.233-14-6 to the Mamlatdar, Bagevadi Taluk). As regards the further ground for asking the Bombay Government to reconsider their decision in the matter, the Government Agent of the Mutt was asked to submit a report.

The Government Agent has since submitted report No.503/37-38 dated 30-3-1938 and a copy of the same is enclosed for reference. It is reported that the Knaves of the Inam lands invariably stand in the name of the Swamigalu and not in the name of the institution so that the facts being so, succession nazarana is demanded and is collected. The Agent has suggested that exemption from payment of the nazarana may be claimed on the ground that the present seasonal conditions and the concessions granted by the Government of Bombay to the ryots by way of remissions and suspensions of revenue, have greatly affected the collections of the Mutt, reducing it to impecunious condition. It is further reported that the entire village of the Mutt in Bijapur

district has been given the concession of suspension of revenue for the last two years and the inam villages of the Mutt in Ranibennur taluk have got the benefit of suspension of both the khists in this year also but if nazarana is insisted upon, payment has to be made out of collections elsewhere.

I do not think that such vague and general grounds can be considered as adequate basis for making a request to the Bombay Government to forego their claim. There seems to be little chance of success.

I have the honor to be,

Sir,

Your most obedient servant,

Assistant Commissioner.

WR

Report No.503/37-38 dated 30-3-38 submitted by the Govt. Agent, Sri Kudli Sringeri Mutt, to the Muzrai Commissioner in Mysore.

Subject:- Muzrai Commissioner's Memo No.S.1503/37-38 dated 25-11-37, calling for a report as to whether there are any further grounds for claiming exemption from payment of nazarana.

So far as my enquiry in the several places I visited showed, there are no other grounds than those already pressed for exemption. I tried to find out whether there was any instance in which the khata of the lands stood in the name of the institutions, but was not able to find out any. The khatas invariably stand in the name of the Swami for the time being, and the khata being so, the succession nazarana is demanded and has to be paid. We may, perhaps, once again, press the impecuniousness of the Mutt, the present seasonal prospects and the several concessions granted by the Government of Bombay, by way of remissions and suspensions, greatly affecting the collections, as the grounds for claiming exemption now.

Incidentally, it may be mentioned that in the Hagalur district one entire inam village has got the concession of suspension for the last two years, the inam villages in the Ranibennur taluk have got the benefit of suspension of both the khists this year. The circumstances being so, if nazarana is insisted upon, payment has to be made out of collections elsewhere.

"COPY"

M. N Ramachar

For Muzrai Commissioner.

- 6-9
Jury 898-36 37

G. 18] No. C.1532/35-6
One file —

GENL & REV. SECRETT. 1437 21. JUN. 1938 MIZ. BR

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE.

Bangalore, ...17th..June.....*193* 8

9673
22/6

FROM

K. V. ANANTARAMAN, ESQ., B.A.,
Muzrai Commissioner in Mysore.

To

C. Subrahmanya Aiyar, Esq., B.A., B.L.,
Secretary to the Government of His Highness the Maharaja of Mysore,
.....General.....*Department.*

GENERAL SECRETARIAT 20 JUNE 1938

SIR,

Payment of Nazarana in respect of Inam lands of Sri Kudli Sringeri Mutt in Dharwar and Bijapur Districts.

R In continuation of my letter No.C.1532/35-36 dated 14-4-38 re. the above, I have the honor to state that the Government Agent of Sri Kudli Sringeri Mutt reported that a sum of Rs.893-15-0 was due towards the second instalment of the Nazarana to be paid this year; and requested that the amount might be ordered to be paid, as the payment was inevitable. Accordingly, the payment of the amount has been sanctioned by me and I submit herewith, a copy of the Order sanctioning payment for information of Government.

I have the honor to be,
Sir,
Your most obedient servant,
S. Mallikarjuniah
for Muzrai Commissioner
(Absent from Headquarters)

Subd for perusal.
21/6

21.6.38

1st. Monday

24/6

25/6

Order of the Muzrai Commissioner in Mysore.

Reference:-

Correspondence ending with report No.603/37-38 dated 4-6-38 from the Government Agent, Sri Kudli Sringeri Mutt, stating that out of Rs 291 and Rs 686 due to be paid into Bagevadi and Ranibennur Taluk Treasuries by the Mutt, this year, on account of the second instalment of the Nazarana payable to the Government of Bombay, in respect of the inams owned by the Mutt in Bijapur and Dharwar Districts, respectively, only a sum of Rs 83-1-0 was paid by the Kulkarni into the Bagewadi Taluk Treasury out of the small miscellaneous demands that were collected, as per the practice in vogue, and requesting that the balance of Rs 207-15-0 and a sum of Rs 686 to be paid into the Bagevadi and Ranibennur Taluk Treasuries may be ordered to be paid through the Accountant-General, Bombay, and reporting that the Kulkarnis have since been asked not to pay this item direct, so long as the management of the Mutt properties by Government continues.

Order No. C.1532/35-36 Bangalore, dated 17-6-38.

In the circumstances reported by the Government Agent, the payment due towards the second instalment of Nazarana amounting to Rs 893-15-0 is sanctioned, the charge being met from the funds of Sri Kudli Sringeri Mutt.

The Comptroller to Government is requested to arrange for payment through the Accountant-General, Bombay.

Sd/- K. V. ANANTARAMAN,
Muzrai Commissioner.

"Copy"

Gullikarjunaiah

For Muzrai Commissioner.